

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

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| DAVID LESTER GROHOSKE | § | |
| VS. | § | CIVIL ACTION NO. 1:19-CV-328 |
| BRAD LIVINGSTON, ET AL. | § | |

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff David Lester Grohoske, a prisoner confined at the Jester IV Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Brad Livingston, Governor Greg Abbott, President Donald Trump, Calvin R. Grohoske, Cecil J.R. Grohoske, and unidentified defendants.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the action without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and the pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

The magistrate judge's recommendation was based on the plaintiff's failure to pay the initial partial filing fee or to show good cause for his failure to pay. The plaintiff's copy of the report and

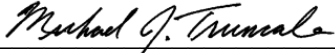
recommendation was sent to his last known address at the Jester IV Unit, but the order was returned to the Court with a notation that it was undeliverable because the plaintiff has discharged his sentence.

Eastern District of Texas Local Rule CV-11(d) requires *pro se* litigants to keep the clerk advised in writing of their current address. In addition, the order assessing an initial partial filing fee warned the plaintiff that he was required to notify the Court of any change of address, and that his failure to update his address could result in the case being dismissed for want of prosecution. Without a current mailing address, the Court is unable to contact the plaintiff or proceed with this action. Therefore, the Court finds that the plaintiff's failure to comply with a Court order and the Local Rules warrants dismissal without prejudice for want of prosecution.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (document no. 19) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this 9th day of December, 2019.



Michael J. Truncala
United States District Judge